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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,950	12/15/2005	Salvatore Vasta	GRIP:107US	1682

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EXAMINER	
DREIDAME, HUNTER M	
ART UNIT	**PAPER NUMBER**
3633	

MAIL DATE	DELIVERY MODE
03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/560,950	VASTA, SALVATORE	
	Examiner	Art Unit	
	HUNTER M. DREIDAME	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-10,13,15,16,18,22,24,25,34,36 and 39-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-10,13,15,16,18,22,24,25,34,36 and 39-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/1/2007, 4/14/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☒ Other: *WO 00/71827 A1*.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDSs) submitted on 01 October 2007 and 14 April 2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9, 13, 15, 16, 18, 22, 24, 25, 34, 36, and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by International Publication WO 00/71827A1 to Andrews.

As to claim 1, Andrews discloses extensible beam (Fig. 7) comprising a first, elongate, element (41); a second element (42) adapted to move relative to the first elongate element in order to vary the amount of overlap between the first and second elements and thereby vary the length of the beam; wherein the first dement includes first and second support portions (52, 53); and the second element includes first and

second spaced apart strut members (sections perpendicular to 48, 49) for engagement with the first and second support portions respectively.

As to claim 2, Andrews discloses an extensible beam as claimed in claim 1, wherein the first element has an upper portion (central web, Fig. 7) which, in use, is capable of providing a surface to support materials above the beam, and first and second lateral portions (portions perpendicular to 52, 53) depending from the upper portion.

As to claim 3, Andrews discloses an extensible beam as claimed in claim 2, wherein the first element comprises an elongate member with a shape which defines a channel with generally rectangular cross-section extending through the member (shown in Fig. 7).

As to claim 4, Andrews discloses an extensible beam as claimed in claim 3, wherein the first element comprises a length of metal C-section (shown in Fig. 7).

As to claim 8, Andrews discloses an extensible beam as claimed in claim 1, wherein in use, with the beam in a horizontal orientation, the vertical height of each strut member is greater than its thickness (shown in Fig. 7).

As to claim 9, Andrews discloses an extensible beam as claimed in claim 2, wherein in use, with the beam in a horizontal orientation, the height of each strut member is smaller than the height of the lateral portions of the first element (shown in Fig. 7).

As to claim 13, Andrews discloses an extensible beam as claimed in claim 1, wherein a first cross member (48) extends between respective first ends of the first and

second strut members and a second cross member (49) extends between respective second ends of the first and second strut members.

As to claim 15, Andrews discloses an extensible beam as claimed in claim 1, wherein the first and second support portions are adapted to slidingly engage the respective first and second strut members (page 13, line 22 – page 14, line 2).

As to claim 16, Andrews discloses an extensible beam as claimed in claim 1, wherein the second element is located at least partially inside the first element and is adapted, in use, to be moved further into the first element in order to reduce the length of the beam, and to be moved further out of the first element in order to increase the length of the beam, and wherein in the extended configuration less than half of the second element can extend out of the first element (page 13, line 22 - page 14, linw 2; shown in Fig. 7).

As to claim 18, Andrews discloses an extensible beam as claimed in claim 1, wherein the second element further comprises a web portion (shown in Fig. 7) extending between the first and second strut members, the web portion being capable of preventing parts of a user from being caught within the beam during use in that it is solid.

As to claim 22, Andrews discloses an extensible beam as claimed in claim 2, wherein the first and second support portions are coupled to, and supported by, the respective first and second lateral portions (shown in Fig. 7).

AS to claim 24, Andrews discloses an extensible beam as claimed in claim 16, wherein in use, the relative positions of the first and second elements are

constrained so that substantially the entire length of each support portion is in contact with, or closely adjacent to, a part of the corresponding strut member, irrespective of whether the second element is retracted or extended relative to the first element (shown in Fig. 7).

As to claim 25, Andrews discloses an extensible beam as claimed in claim 1, wherein a first abutment portion (43) of the second element is adapted to engage part of the first element to restrict axial movement of the second element away from the first element.

As to claim 34, Andrews discloses an extensible beam as claimed in claim 2, wherein in use, the strut members are spaced apart from the lateral portions by one or more parts (45, 46) of members which form the support portions.

As to claim 36, Andrews discloses an extensible beam as claimed in claim 16 wherein the second element is dimensioned so that a degree of lateral movement within the first element is possible (page 13, line 22 – page 14, line 2).

As to claim 39, Andrews discloses an extensible beam as claimed in any claim 1, wherein one, or both, of the first and second elements is made substantially from aluminum (page 1, line 13).

As to claim 40, Andrews discloses an extensible beam comprising a first elongate element (41) comprising a top panel (web portion, Fig. 7), capable of supporting building materials thereon; opposing side panels (portions extending perperdicularly from web portion, Fig. 7) which in use project generally perpendicular from opposing sides of the top panel so that the top panel and side panels form three

sides of the first element which is generally rectangular in radial cross section; and first and second support portions (52, 53) projecting inwardly from respective inner surfaces of the respective first and second side panels; and a second element (42) adapted to move relative to the first elongate element in order to vary the amount of overlap between the first and second elements and thereby vary the length of the beam (page 13, line 22 – page 14, line 2), the second element comprising first and second generally parallel spaced apart strut members (portions perpendicular to 48, 49, Fig. 7) connected by at least one cross member (rear web, Fig. 7); whereby the first and second strut members are supported by the respective first and second support portions and able to slide relative thereto in order to provide relative axial movement of the second element relative to the first element.

As to claim 41, Andrews discloses an extensible beam as claimed in claim 1 wherein the extensible beam is capable of being used as a reusable extensible lintel in that it may extend across a doorframe and be retracted for removal (page 13, line 22 - page 14, line 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication WO 00/71827 to Andrews.

As to claims 5 and 10, Andrews discloses the claimed invention except for the specific dimensions of the individual components. It would have been a matter of obvious design choice to make the members larger or smaller, as such a modification would have involved a mere change in size of a component. A change in size is generally recognized as being with the level of ordinary skill in the art. In re Rose, 105 USPQ237 (CCPA 1955).

As to claim 6, Andrews discloses an extensible beam as claimed in claim 5, wherein the bars are solid bars (shown in Fig. 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNTER M. DREIDAME whose telephone number is (571)272-5177. The examiner can normally be reached on Monday - Friday 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter M Dreidame/
Examiner, Art Unit 3633
/Robert J Canfield/
Supervisory Patent Examiner, Art Unit 3635